REMARKS

The amendments and remarks presented herein are consistent with those noted in the telephone call of August 17, 2007. Accordingly, entry of this amendment and reconsideration of the pending claims is respectfully requested.

The Office Action, mailed July 18, 2007, considered and rejected claims 1-10, 12-18 and 20-37. Claims 1-10, 12-18 and 20-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bruckert et al.* (U.S. Patent No. 5,430,761) in view of *Dacosta* (U.S. Patent No. 6,978,023).[1] Additionally, claim 36 was rejected under 35 U.S.C. § 112, second paragraph.[2]

By this paper, claims 1, 2, 7-10, 12-18, 20-22, 24, 27-29, 33, 36 and 37 have been amended, claim 38 added, and no claims cancelled. Accordingly, following this paper, claims 1-10, 12-18 and 20-38 are pending, of which claims 1, 23, 24, 36 and 38 are the only independent claims at issue.

As reflected in the above claim listing, Applicant's claims are generally directed to methods, computer readable storage media, systems, and data structures that allow a client device to obtain information identifying other client stations located near that client device. For instance, as recited in claim 1, for example, a method for detecting the proximity of multiple client stations and letting at least one of those client stations know of the other proximate stations includes obtaining signal strength data of signals received by a first client from a stationary base station. Additionally, signal strength data from other client stations is received with regard to the stationary base station, where the first client station and the other client stations are remote from the base station. The signal strength data of the first client station is compared with the signal strength data of the other client stations and it is determined that the first client device is proximate one or more other client stations based on the signal strength data of the various resources. The identity of the one or more other client stations determined to be near the first client station is then sent to the first station, thereby identifying the nearby other client station(s).

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] Although Applicant does not agree that the phrase "configured to" renders the claim indefinite, particularly inasmuch as the claim is not a method/process claim, such rejection is nevertheless moot in view of the amendment above in which "configured to" has been removed.

Independent claim 23 recites a computer-readable storage media having instructions stored thereon for performing a method corresponding to the method of claim 1. Claim 24 recites a system that includes a client device having an output mechanism for reporting data obtained in a manner generally consistent with that of claim 1. Claim 36 recites a data structure storing network resource information, base station information, and signal strength data useful for obtaining the proximity information reported in claim 1. Claim 38 recites a similar method in which an identification of the user of the nearby client station is also presented to the first client station.

While *Bruckert* and *Dacosta* generally relate to wireless systems in which signal strength data is used to determine a location of a mobile device to a base station, Applicant respectfully submits that they fail to disclose or suggest each and every limitation of the pending claims. For example, among other things, *Bruckert* and *Dacosta*, whether alone or in combination, fail to disclose or suggest a method, system, computer-readable media, or data structure in which the identity of a client station located near a first client device is reported to the first client device, as claimed in combination with the other claim elements.

For example, *Bruckert* discloses a system which allows a cellular communication system to reduce interference through offset frequency partitioning in which it is determined which of a plurality of base transceiver stations (BTS) is most appropriate for handling the communication for a particular mobile station (MS). (Col. 1, ll. 28-43; Col. 2, ll. 18-33). Specifically, upon activation of a MS, the MS scans a set of frequencies to search for channel identification signals transmitted from nearby BTS. (Col. 2, ll. 18-20). Upon detecting such a signal, the MS measures a signal strength or other measurement of signal quality to determine a relative proximity of the MS to the BTS. (Col. 2, ll. 20-24). After scanning all frequencies, the MS can select the BTS which provides the best signal quality to serve as its active BTS, locks into the BTS, and monitors the channel for the BTS for incoming calls or sends an outgoing call request over the channel for the BTS. (Col. 2, ll. 24-33). While locked into the active BTS, the MS also monitors and identifies primary channels of other nearby BTS, and can thus change to a different BTS when the signal quality dictates a change should be made. (Col. 2, ll. 34-46).

In some cases, the multiple MS may use a single channel. (Col. 2, ll. 65-68). In such cases the system must maintain a minimum separation distance between simultaneous channel users, so as to reduce mutual interference and maintain interference below a threshold level.

(Col. 3, ll. 1-13). To maintain interference below the threshold level, reuse patterns are developed to assign frequencies within the cellular system and avoid assignment of adjacent channels to the same or adjacent cells whose radio coverage is each provided by a BTS. (Col. 1, ll. 28-29; Col. 3, ll. 26-62).

Accordingly, *Bruckert* discloses a system in which signal strength is used by a mobile device to connect to a BTS and in which cells are assigned particular frequencies to maintain a tolerable level of frequency. *Bruckert* fails to disclose, however, any use of a signal strength to determine what mobile devices are located close to each other, or that an identity of a nearby remote client station is provided to a different remote client device. Indeed, the disclosure in *Bruckert* appears limited to exchanging information about a mobile device and a base station with only the same mobile device, so that information about a different mobile device is never sent to a different mobile device. Accordingly, the remote network devices in *Bruckert* fail to ever receive the identity of any other mobile device, let alone a mobile device determined to be proximate that mobile device based on compared signal strengths, as recited in combination with the other claim elements.[3]

Similarly, *Dacosta* discloses a system which performs location based authentication by using the signal strength data of a wireless client. In particular, a wireless network stores data characteristics of a wireless device, including the direction of arrival, signal strength, and space-time features of multipath signals of the client. (Col. 6, ll. 47-52). Information may also be transmitted to the client from within and without geographic boundaries of a wireless network to assist the client in determining whether it is located within the boundaries of the wireless network. (Col. 6, ll. 53-62). In this manner, the relative or absolute location of the wireless client can be determined. (Col. 7, ll. 1-19). In a separate embodiment, signal strength data, direction arrival, and space-time features of multipath signals of the client can be compared against previously stored values to approximate the special location of the wireless client. (Col. 7, ln. 47 to Col. 8, ln. 2).

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[3] For the teaching that a first network device is provided the identity of other network resources which are remote from a base station, and which are determined to be near the first network device, the Office Action, on page 3 cites the following disclosure in *Bruckert*:

> Channel identification may be performed by the BSC (101) based upon signal characteristics. If the requesting MS (20) is determined (through comparison (302) of measured signal characteristics to a threshold) to be near the periphery of cell Ø1, then a subspectrum (shift register) location (e.g., F_1) from subspectum F may be allocated (303). (Col. 8, ll. 3-9).
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> Physical separation of reusing MSs is ensured by limiting cochannel reuse to adjacent cells and to certain physical locations within the adjacent cells. Physical locations of an MS (distance from a base site) may be determined through signal characteristics (such as signal quality) measured by MSs and base sites. Signal quality measurements may be signal strength or bit free error rates. Determination of relative location may be determined by comparison of signal characteristics with a threshold (or thresholds). MSs providing a high level signal quality factor may be determined to be proximate the base site while distal MSs providing a low level signal quality value may be determined to be near the periphery of a service coverage area. (Col. 5, ll. 25-36)

Notably, both cited sections in *Bruckert* merely disclose that a location can be determined to be near a periphery of a cell or service coverage area. Neither portion discloses or suggests, however, any sending of an identity of one remote client station to a different client station, as recited in the above claims.

Thus, in either embodiment, a signal strength can be used to determine the location of a wireless client. This process is further illustrated and described with respect to Figure 8. In particular, a signal strength of a wireless client is first determined (Col. 9, ll. 55-56; Fig. 8, act 616). Thereafter, multipath and RF propagation values are calculated according to characteristics (e.g., direction of arrival, spatial temporal properties, multipath delay in scattering environment) of the received signal (Col. 9, ll. 56-63; Fig. 8, act 618). After such calculations are performed, an approximate spatial location of the client is identified according to its signal strength and other related values of the wireless client. (Col. 9, ll. 64-67). Once such a location has been determined, it is compared with the predetermined wireless network boundaries and, if physically located within the boundary, authentication is provided. (Col. 10, ll. 10-23).

Accordingly, *Dacosta* discloses that a signal strength is used, in combination with other characteristics of the signal of the wireless device, to determine if the device is near the boundary of a wireless network, so as to determine whether to authenticate the client. *Dacosta* fails, however, to provide any teaching, or to suggest, that the identity of one client device is sent to another client device. Indeed, inasmuch as *Dacosta* relates merely to authenticating a client within the boundaries of a network, it would be irrelevant to one client device whether a separate client device is located nearby. Accordingly, *Dacosta* and *Bruckert* each disclose that signal strength is used to determine the proximity of a wireless device to a network boundary, but fail to disclose that signal strengths of two different client stations are used to determine their relative proximity to each other, let alone that the identification of a nearby client station having a compared signal strength is sent to the other client station, as claimed in combination with the other claim elements.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 23rd day of August, 2007.

Respectfully submitted,

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